

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------------|---|------------|
| JOHN L. LOTTER, |) | |
| |) | |
| Petitioner, |) | 4:04CV3187 |
| |) | |
| V. |) | |
| |) | |
| SCOTT FRAKES, Director, |) | ORDER |
| Nebraska Department of Correctional |) | |
| Institutions, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

IT IS HEREWITH ORDERED that:

(1) According to counsel for the Respondent, the proper Respondent in this case is not Brian Gage, Warden, Tecumseh State Correctional Institution, but rather Scott Frakes, Director, Nebraska Department of Correctional Institutions.

(2) There was no formal motion to substitute Brian Gage, Warden, Tecumseh State Correctional Institution. Therefore, my direction to the Clerk of Court on September 15, 2015, was in error and the non-public remark should be stricken.

(3) The proper style of this case is *John L. Lotter v. Scott Frakes, Director, Nebraska Department of Correctional Institutions*, Case No. 4:04CV3187-RGK. Counsel shall act accordingly.

DATED this 21st day of September, 2015.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge